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Attention: BOX DAC

on: Sep. 28, 1998

By: Erica L. Canonizado

Erica L. Canonizado

PATENT

Attorney Docket No. 17648-2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SALESKY et al.

Serial No. 08/823,744

Filed: March 25, 1997

For: REAL-TIME, MULTI-POINT,
MULTI-SPEED, MULTI-STREAM
SCALABLE COMPUTER NETWORK
COMMUNICATIONS

Examiner: Unassigned

Art Unit No. 0000

**DECLARATION OF
MICHELE A. SIMONE**

Attention: BOX DAC

Asst. Commissioner of Patents
and Trademarks

Washington, D.C. 20231

Sir:

I, MICHELE A. SIMONE, hereby declare as follows:

1. I am over 18 years of age and am employed full-time as U.S. docket clerk for Townsend and Townsend and Crew LLP ("Townsend").
2. Our business address of record is: Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834.
3. I have been continuously employed by Townsend since January, 1985, and have been a U.S. docket clerk since March, 1990.
4. The Townsend procedure for handling U.S. Patent and Trademark Office ("PTO") mail is outlined below:
 - a. All incoming PTO mail is directed to my attention;

- b. Using a computerized docketing system, I personally calendar due dates, and mark the original document with the Townsend docket number, attorney initials and response due date, if any. The original PTO document is then forwarded to the working attorney.
- c. On September 14, 1998, and upon the request of attorney Philip H. Albert, I conducted a thorough search of the computer and corresponding manual back up records for any information/documentation relating to the above-identified application and found no evidence of any Office Action received bearing a PTO mail date of August 15, 1997. A copy of the computerized docket record for the present application is attached hereto as Exhibit A (A number of references to unrelated clients have been redacted to preserve client confidences. None of the redacted material relates to the instant case as it is largely client names, matter names and invention titles for unrelated matters having docket entries on the dates shown).

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9.28.98

Michele A. Simone
Michele A. Simone

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TO THE U.S. PATENT & TRADEMARK OFFICE

**Please stamp the date of receipt of the following document(s)
and return this card to us:**

RE: SALESKY et al.

TITLE OF DOCUMENT(S):

PTO-1595 (in triplicate); Assignment (7 pages)

Application No. 08/823,744

File No. 17648-2

Date Due N/A

Date Mailed September 28, 1998

Atty/Secty. PHA:elc

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Raymond Chandler